

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

CHRISTOPHER WAYNE HAAKENSTAD,

Petitioner,

v.

MICHAEL MEISNER,

Respondent.

ORDER

15-cv-536-jdp

I screened pro se petitioner Christopher Haakenstad's petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 on April 5, 2016. Dkt. 8. I concluded that petitioner had presented a mixed petition—he had exhausted some, but not all, of his claims for habeas relief—and so I directed petitioner to file a notice indicating whether he wanted me to dismiss his unexhausted claims and proceed with his exhausted claims or dismiss the entire case so that he could exhaust his unexhausted claims. *Id.* I gave petitioner until April 26, 2016, to respond, and I indicated that if petitioner did not respond, then I would dismiss the unexhausted claims and direct the state to address the exhausted claims. *Id.*

Petitioner's deadline has now passed, and he has not responded to my order. But it appears that petitioner never received the order because he no longer resides at the mailing address that he provided when he filed his petition, nor does he reside at either of the updated addresses that he provided after he filed his petition. After the screening order was returned to the court as undeliverable, the clerk's office contacted petitioner's probation officer, who indicated that petitioner had absconded. Petitioner has since been located in Minnesota, and he will return to Wisconsin sometime in the future. Dkt. 11.

Petitioner's one-year deadline for applying for a writ of habeas corpus has not yet run. And by absconding, petitioner has essentially given up prosecuting this case. Under these circumstances, I will dismiss petitioner's petition rather than serve the state with it as I initially indicated. This dismissal will be without prejudice to petitioner filing a new petition for a writ of habeas corpus in the future.

Accordingly, IT IS ORDERED that petitioner Christopher Haakenstad's petition for a writ of habeas corpus, Dkt. 1, is DISMISSED without prejudice. Once the clerk's office learns petitioner's mailing address, it is directed to send him copies of my screening order and of this order.

Entered May 11, 2016.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge